Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

3 July 2014

Original: English

2014 Meeting
Geneva, 1-5 December 2014

Meeting of Experts
Geneva, 4-8 August 2014
Item 5 of the provisional agenda
Standing agenda item: cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X

Background information on continuing challenges and obstacles to developing international cooperation, assistance and exchange

Submitted by the Implementation Support Unit

Summary

The Seventh Review Conference decided that the 2012 to 2015 intersessional programme would include a Standing Agenda Item on cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X. The Conference further decided that under this item, States Parties would consider, inter alia, "challenges and obstacles to developing international cooperation, assistance and exchange in the biological sciences and technology, including equipment and material, for peaceful purposes to their full potential, and possible means of overcoming these." Further to requests made by delegations in the course of consultations with the Chairman, this paper provides an update to a prior background document on some of the specific challenges and obstacles to developing international cooperation, assistance and exchange that have been identified by States Parties and international organizations in the course of meetings of the Convention and in other relevant settings.

GE.14-07332 (E)

1407332

Please recycle

I. Introduction

1. The Implementation Support Unit produced a background paper for the 2013 Meeting of Experts on challenges and obstacles to developing international cooperation, assistance, and exchange, in the context of strengthening cooperation and assistance under Article X.[1]

2. The Implementation Support Unit has been tasked with updating this document for the 2014 Meeting of Experts. This background paper presents specific challenges and obstacles highlighted since the 2012 Meeting of Experts. Similar sources of material have been used, with issues drawn from synthesis papers, working papers, ISU annual reports, and from external organizations. As with the previous paper, this is an indicative rather than an exhaustive list, intended to illustrate the main kinds of challenges and obstacles that have been identified and to organise them thematically.

II. Challenges and obstacles identified in synthesis papers

3. Challenges and obstacles to developing international cooperation, assistance and exchange continue to be raised in presentations and discussions at the Meetings of Experts. These are then reflected in the Chairman's Synthesis of considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions on the topic under discussion at the Meeting of Experts, commonly known as the "synthesis paper." This document is produced by the Chairman following each Meeting of Experts as a resource for States Parties to draw upon for preparing the subsequent Meeting of States Parties. The synthesis paper is not agreed upon by States Parties and as such has no status beyond reflecting the Chairman's synthesis of what one or more States Parties have said at the Meeting of Experts. Relevant extracts from the 2012 and 2013 synthesis papers are reproduced here and update the list provided in BWC/MSP/2013/MX/INF.2.

4. The synthesis paper of 2013 (BWC/MSP/2013/L.1), recognized the "importance of the full and comprehensive implementation of Article X," and noted a number of items which may need addressing in order to improve implementation, including:[2]

(a) Developing more precise criteria on which cooperation and assistance activities fall under the BWC and which do not;

(b) Facilitating implementation of Article X by strengthening implementation of Article III, while ensuring that factors such as lack of technical capability in developing countries are not used to hamper international cooperation;

(c) Providing open and transparent reporting of activities of States Parties in transferring knowledge, information, technologies, materials and equipment designed to combat infectious diseases, irrespective of their funding sources;

(d) Discuss[ing] compulsory licensing, in consultation with the World Intellectual Property Organization (WIPO) and the World Health Organization (WHO), as a means of overcoming obstacles to provision of medicines to development countries.

---

[1] BWC/MSP/2013/MX/INF.2.

[2] BWC/MSP/2013/L.1, paragraph 2.

5. The synthesis paper of 2012 (BWC/MSP/2012/L.1) recognized "the importance of overcoming challenges and obstacles to international cooperation, assistance and exchange in the biological sciences and technology" and listed the following challenges:[3]

(a) Balance implementation of Article X and Article III of the Convention, and in this regard promote appropriate export controls in conformity with the obligations set out in the Convention;

(b) Coordinate key activities in order to enhance synergy and avoid duplication;

(c) Develop procedures to promote full, effective, and non-discriminatory implementation of Article X;

(d) Develop procedures for the settlement of disputes arising from concerns about the implementation of Article X;

(e) Utilize the database to facilitate requests for and offers of assistance and cooperation among States Parties.

III. Challenges and obstacles identified in working papers

6. States have continued to submit working papers explicitly related to cooperation, assistance, and exchange. Four such papers were submitted for the 2013 Meeting of States Parties, three were submitted at the 2013 Meeting of Experts, and three such papers submitted at the 2012 Meeting of States Parties.[4] These documents identified a number of challenges to developing international cooperation, assistance, and exchange. As in the previous background document, they have been summarized below under thematic headings.

A. Restrictions and limitations on transfer and exchange

7. A number of States Parties continued to raise points regarding restrictions and limitations on transfer and exchange.

8. The Islamic Republic of Iran submitted a working paper on behalf of the Group of the Non-aligned Movement and Other States Parties to the BWC at the 2013 Meeting of Experts which stated that "one of the main challenges of the full, effective and non-discriminatory implementation of Article X is the existence of unjustified restrictions and or limitations, including the politically motivated ones, imposed against States Parties in contravention with the provisions and inconsistence with the spirit of the Convention," noting that "there is an urgent need for the removal of any such restrictions and/or limitations."[5]

9. A working paper submitted by China for the 2012 Meeting of States Parties noted the "need to promote biotechnology exchange and cooperation" in part by removing "export restrictions against the objectives of international cooperation."[6]

---

[3] BWC/MSP/2012/L.1, paragraph 3.

[4] BWC/MSP/2013/INF.2, INF.3, INF.4, INF.5 ; BWC/MSP/2013/MX/WP.6, WP.15, WP. 17 ; BWC/MSP/2012/INF.1, WP.8, WP.10.

[5] BWC/MSP/2013/MX/WP.17, paragraph 5.

[6] Unofficial translation of the Chinese original: BWC/MSP/2012/WP.10

B. Institutional mechanisms

10. A number of States Parties mentioned the need to strengthen current mechanisms or establish new mechanisms in order to develop international cooperation, assistance and exchange.

11. The aforementioned Islamic Republic of Iran working paper, submitted on behalf of the Group of the Non-aligned Movement and Other States Parties to the BWC at the 2013 Meeting of Experts, also reiterated the group's "firm position on the need for an effective mechanism to ensure the full, effective and non-discriminatory implementation on the Article X."[7]

12. The aforementioned working paper submitted by China to the 2012 Meeting of States Parties noted that it was "important to improve the existing notification mechanism on disease outbreaks and strengthen the information sharing in counter-bioterrorism and other biosafety issues."[8]

C. Difficulty of assessing needs

13. As in previous years, States Parties highlighted issues of assessing needs.

14. The working paper submitted by Iraq at the 2013 Meeting of Experts noted the importance of an accurate assessment of gaps in the context of the provision of assistance and international cooperation.[9]

15. The aforementioned Islamic Republic of Iran working paper, submitted on behalf of the Group of the Non-aligned Movement and Other States Parties to the BWC at the 2013 Meeting of Experts, also noted a need to "identify and address the needs in terms of equipment, materials and scientific and technological information regarding the use of the bacteriological and toxin agents for peaceful purposes."[10]

IV. Challenges and obstacles identified by the Implementation Support Unit

A. Implementation of the database system to facilitate requests for and offers of exchange of assistance and cooperation among States Parties

16. In accordance with its mandate, the Implementation Support Unit (ISU) has continued to flag problems with facilitating cooperation and assistance among States Parties through its annual reports to States Parties.

17. The Seventh Review Conference called for the establishment of a database system to facilitate requests for and offers of exchange of assistance and cooperation among States Parties (BWC/CONF.VII/7, part III, paragraphs 17-20). As mandated, the ISU established a database; however, its use remains limited, with very few states having requested assistance to date. In its 2012 report, the ISU noted that "no matches of offers and requests have yet been notified to the ISU," and that "The low rate of submissions from States Parties to the database is a point of concern that States Parties may wish to discuss; the ISU is ready to work with States Parties to find ways of making this important tool successful in

[7] BWC/MSP/2013/MX/WP.17, paragraph 8.

[8] Unofficial translation of the Chinese original: BWC/MSP/2012/WP.10

[9] Unofficial translation of the Arabic original: BWC/MSP/2013/MX/WP.15

[10] BWC/MSP/2013/MX/WP.17, paragraph 7 (a).

operation."[11] This trend continues: in its 2013 report, the ISU reported a single case of assistance, noting that it had "been informed that assistance has been provided as a result of a request in the database."[12] This echoes concerns raised by several States Parties, which have called for "strengthening the utilization and improving the operation of the cooperation database."[13]

---

[11] BWC/MSP/2012/2, paragraphs 27, 34.

[12] BWC/MSP/2013/4, paragraph 25.

[13] See for instance, BWC/MSP/2013/MX/WP.17, paragraph 9.